



1313 North Market Street, Suite 1001 • Wilmington, DE 19801

Telephone 302.576.1600 • Facsimile 302.576.1100

www.ramllp.com

Garrett B. Moritz

Direct Dial 302.576.1604

gmoritz@ramllp.com

September 21, 2022

VIA E-FILING

The Honorable Leonard P. Stark
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

**Re: *ConocoPhillips Gulf of Paria B.V. v. Corporación Venezolana Del Petrólio, S.A., et al.*,
CA No. 1:22-mc-00264-LPS**

Dear Judge Stark:

We write on behalf of ConocoPhillips Gulf of Paria B.V. (“ConocoPhillips”) regarding ConocoPhillips’ June 15, 2022 Motion for an Order Authorizing the Issuance of a Writ of Fieri Facias (D.I. 2, 3, 4) (the “Corocoro *fi fa* motion”).

ConocoPhillips filed the Corocoro *fi fa* motion on June 15, 2022. Defendant Petróleos de Venezuela, S.A. (“PDVSA”) opposed the motion and moved for a stay pending resolution of certain petitions for interlocutory appeals to the Court of Appeals for the Third Circuit from the Court’s March 2, 2022 Order in related matters, including *Phillips Petroleum Co. Venezuela Ltd. v. Petroleos de Venezuela S.A. et al.*, C.A. No. 19-mc-00342-LPS (D. Del. Mar. 2, 2022) (“Phillips Petroleum”). D.I. 8, 11, 12. The petitions for leave to pursue interlocutory appeals included PDVSA’s petition to appeal the Court’s decision to partially grant ConocoPhillips a *fi fa* writ in *Phillips Petroleum*. PDVSA’s request for a stay of the Corocoro *fi fa* motion was fully briefed on July 13, 2022. The Court did not rule on PDVSA’s stay request, which has now been overtaken by events as discussed below.

On July 26, 2022 the Court of Appeals for the Third Circuit denied the various petitions for leave to file interlocutory appeals of the Court’s March 2, 2022 Order. In light of this ruling by the Third Circuit, and the lack of any additional basis on which to deny ConocoPhillips’ Corocoro *fi fa* motion, ConocoPhillips respectfully requests that the Court grant the relief requested: an order finding that ConocoPhillips has met all statutory requirements and authorizing the issuance of the Corocoro *fi fa* writ upon receipt of evidence that either the OFAC sanctions regime has been lifted or materially changed, or that a license has been granted to ConocoPhillips. ConocoPhillips conferred with PDVSA prior to the submission of this letter and requested its consent to the entry of an order granting the relief ConocoPhillips requested in the Corocoro *fi fa* motion. PDVSA refused to consent to this request and offered no explanation for its refusal.

The Honorable Leonard P. Stark

September 21, 2022

Page 2

Issuance of ConocoPhillips' requested order is necessary to avoid unfair prejudice to ConocoPhillips. On March 2, 2022, this Court ruled in *Crystallex Int'l Corp. v. Bolivarian Republic of Venezuela*, C.A. No. 17-mc-00151-LPS, D.I. 443 (D. Del. Mar. 2, 2022), resolving all remaining objections to the proposed procedures for the sale of the same PDVH shares that ConocoPhillips seeks to attach in the above captioned action. Upon entry of the proposed sale procedures order, ConocoPhillips will have a finite period of time in which it may add its judgment in the above captioned action to the growing list of creditors seeking to participate in the sale of the PDVH shares. To avoid unfair prejudice relative to other PDVSA creditors who have already been granted similar relief, ConocoPhillips respectfully requests that the Court grant the relief requested in its Corocoro *fi fa* motion.

As always, we appreciate the Court's consideration of this matter.

Respectfully submitted,

/s/ Garrett B. Moritz

Garrett B. Moritz (Bar No. 5646)

Cc: All Counsel of Record